

01/18/02

01-23-02

A

Disciplined Classification
of this Application:
Class 514 Subclass 179

Prior Application:
Examiner R. Travers
Group Art Unit 1617

Attorney's
Docket
No. 44657-AAA-PCT-US/
JPW

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

January 18, 2002

S I R:

This is a request for filing a X CONTINUATION

 DIVISIONAL CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b) 37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/469,817 filed on December 22, 1999 of

Joseph R. Berger

Inventor(s)

A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING IN A PATIENT INFECTED WITH
HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

Title of Invention

1. X Enclosed is a copy of the prior application, as originally
filed and an affidavit or declaration verifying it as a
true copy.

2. X A verified statement to establish small entity status under
37 C.F.R. §1.9 and 1.27

 is enclosed.

X was filed in the prior application and such status
is still proper and desired (37 C.F.R. §1.28(a)).

3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

CLAIMS

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE		
					SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
Total Claims	16-20	=	0	X	9	18	=	\$ -0-	\$
Independent Claims	2 -3	=	0	X	42	84	=	\$ -0-	\$
Multiple Dependent Claims Presented: Yes <u>X</u> No					140	280	=	\$ -0-	\$
					BASIC FEE			\$ 370.00	\$740.00
					TOTAL FEE			\$ 370.00	\$.

*If the difference in Col. 1 is
then zero enter "0" in

*If the difference in Col. 1 is
less than zero, enter "0" in
Col. 2.

¹ Filing an application pursuant to this section expressly abandons the
parent application.

JPW U.S. Pat.
10/052961
01/18/02

Cont.Div.
Page 2

4. X The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X Any additional filing fees required under 37 C.F.R. §1.16.
- X Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5. X Three copies of this sheet are enclosed.
6. X A check in the amount of \$ 370.00 is enclosed.
7. Cancel claims .
8. Amend the specification by inserting before the first line the sentence: --This is a continuation division of application Serial No. , filed .--
9. Sheet(s) of informal formal drawing(s) is/are enclosed.
10. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11. Priority of application No. filed on in (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No. , filed .
12. X The prior application is assigned of record to BTG Pharmaceutical Corp.
13. X A preliminary amendment is enclosed.
14. X The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Norman H. Zivin (Reg. No. 25,385); Thomas F. Moran (Reg. No. 16,579); Ivan S. Kavrukov (Reg. No. 25,161); Christopher C. Dunham (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Richard S. Milner (Reg. No. 33,970); Matthew J. Golden (Reg. No. 35,161); Albert Wai-Kit Chan (Reg. No. 36,479); Matthew B. Tropper (Reg. No. 37,457); Lewis J. Kreisler (Reg. No. 38,522); Robert T. Maldonado (Reg. No. 38,232).

Cont/Div./FWC
Page 3

- (a) X The power appears in the original papers in the prior application.
- (b) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) X Address all future communications to:
(May only be completed by applicant,
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

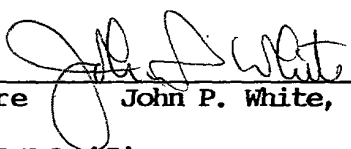
15. X Also enclosed Express Mail Certificate of Mailing No.

EJ 700 080 175 US dated January 18, 2002

16. X I hereby verify that the attached papers are a true copy of prior application Serial No. 09/469,817 as originally filed on December 22, 1999.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 18, 2002
Date


Signature John P. White, Reg. No. 28,678

 INVENTOR(S)

 ASSIGNEE OF COMPLETE INTEREST

 X ATTORNEY OR AGENT OF RECORD

 FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger
U.S. Serial No. : Not Yet Known
Filed : Herewith
For : A METHOD FOR AMELIORATING MUSCLE
WEAKNESS/WASTING IN A PATIENT INFECTED
WITH HUMAN IMMUNODEFICIENCY VIRUS-TYPE 1

1185 Avenue Of The Americas
New York, New York 10036
January 18, 2002

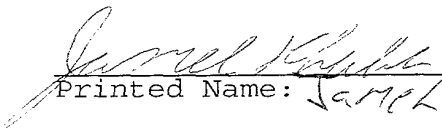
Assistant Commissioner for Patents
Washington, D.C. 20231
Box: Patent Application

EXPRESS MAIL CERTIFICATE OF MAILING
FOR ABOVE-IDENTIFIED APPLICATION

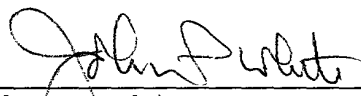
"Express Mail" mailing label number: EJ 700 080 175 US

Date of Deposit: January 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231. Attn: Box Patent Application


Printed Name: James L. Haas

Respectfully submitted,


John P. White
Reg. No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Ave of the Americas
New York, New York 10036
(212) 278-0400